IN THE HIGH COURT OF JUDICATURE AT CHHATTISGARH: BILASPUR

CR. M.P. No. 88 /2006

**Single Bench**

PETITIONERS/APPLICANT

1. Smt. Hemalata Chandrakar, W/o Shri Lalji Chandrakar, aged about 35 years,
2. Praveen Kumar, S/o Lalji Chandrakar, aged about 12 years, both are R/o Village- Pandariya Road, Near water tank, Mungeli, P.S. Mungeli, Districst Bilaspur, C.G.

3751/06
Filed on 21/9/06
by Shri S. C. Verma Advocate
21/9/06
R/to D.R.(J)

Petitioner no. 2 through guardian/ mother Hemalata Chandrakar
21/9/06

VERSUS

RESPONDENT/ NON-APPLICANT

Lalji Chandrakar S/o S.L.Chandrakar, aged 39 years, occupation- clerk, R/o Nagar Panchayat, Pandariya, Tahsil- Pandariya, District- Kawardha, CG.

CRIMINAL REVISION UNDER SECTION 482 OF THE CODE CRIMINAL PROCEDURE.

(20)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ...Q.M.P.88/06... **सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**14.12.2006**

Shri O.P. Yadav, Counsel for the applicants.

Heard on admission.

By way of this petition filed under Section 482 of the Code of Criminal Procedure, the applicants have challenged the legality, validity and propriety of the order dated 8/5/2006 passed in Criminal Revision No.157/2005 by II Additional Sessions Judge (FTC), Mungeli, District – Bilaspur (C.G.), by which, a Revision filed against the order dated 20-06-2005 passed by the Judicial Magistrate First Class, Mungeli in Miscellaneous Criminal Case No.57/2004 for alteration of the amount of maintenance under Section 127 of the Code of Criminal Procedure has been dismissed.

The brief facts are that in a proceeding under Section 125 of the Code of Criminal Procedure filed through Criminal Case No.88/98, the Judicial Magistrate First Class, Mungeli granted a sum of Rs.1000/- and Rs.500/- to the applicants as the amount of monthly maintenance on 21/1/1999 under Section 125 of the Code of Criminal Procedure. It appears that thereafter, the applicants filed an application under Section 127 of the Code of Criminal Procedure for enhancement of the aforesaid amount on the ground that now the petitioner No.2, who was studying in Class-I in the year 1999, is studying in Cass VII and some more expenses are required for his studies and there has been rise in prices also in the long interval of 5 years and during this period, the salary of the respondent has also increased from Rs.4000/- to Rs.7000/-, therefore, the amount of monthly maintenance may be

(21)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** ..Cr.M.P. 88/26 **सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश 2 | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

enhanced to Rs.3000/- to petitioner No.1 and Rs.2000/- to petitioner No.2.

The learned trial Judge after conducting the enquiry dismissed the aforesaid application filed for alteration of the amount of monthly maintenance. Thereafter, a revision was filed against the aforesaid order and the Revisional Court also dismissed the revision on the ground that it comes in the evidence that petitioner No.1 was holding 1.78 acres of irrigated land and was doing agricultural work in the said land and this was in addition to the amount of maintenance granted in their favour. Many other grounds were also taken by the Revisional Court for confirmation of the order passed by the trial Court.

I have gone through the impugned order passed by the Revisional Court filed alongwith this petition.

After going through the order and after hearing learned counsel for the applicant, I am of the opinion that the trial Court as well as Revisional Court has not committed any such irregularity, which may warrant interference by this Court under Section 482 of the Code of Criminal Procedure.

This petition filed under Section 482 of the Code of Criminal Procedure has no merit and the same is dismissed.

However, this order will not come in the way of the applicants to file any subsequent application on any subsequent cause of action at a later stage.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

P.T.O.